

Paper No. 3/18/04
4
3/18/04

Notice of Allowability

Application No.

10/003,740

Examiner

Brian S Kwon

Applicant(s)

EPSTEIN ET AL.

Art Unit

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment and Declaration filed 12/15/03 and telephonic interview on 3/16/03.
2. ☒ The allowed claim(s) is/are 91-115 and 117-119.
3. ☒ The drawings filed on 10/31/01 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 9/3/03, 10/17/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 03/18/04.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mary K. Murray on March 19, 2004.

The application has been amended as follows:

In Claims 91, 100, 102, 104, 106, 110, 112 and 114, line 5, delete [about] after "least".

In Claims 93 and 97, line 2, delete [about a 0.0001 mg/kg dose to about a 4.0mg/kg dose] and replace with --about 0.0001 mg/kg dose to about 100 mg/kg dose--.

In Claims 94 and 98, lines 1-2, delete [about a 0.0001mg/kg dose to about a 1 mg/kg dose] and replace with --0.5 mg/kg dose to 4mg/kg dose--.

In Claims 95 and 99, line 2, delete [about a] after "between" and [about a] after "to".

In Claim 104, line 8, delete [about a 0.0001 mg/kg dose to about a 4.0mg/kg dose] and replace with --about 0.0001 mg/kg dose to about 100 mg/kg dose--.

In Claim 106, line 8, delete [about a] after "between" and [about a] after "to".

In Claim 108, delete [about] after "least" in line 2, page 5 and delete [about a 0.0001 mg/kg dose to about a 4.0mg/kg dose] and replace with --about 0.0001 mg/kg dose to about 100 mg/kg dose-- in line 5, page 5.

In Claims 110 and 114, in line 8, delete [about a] after "between" and [about a] after "to".

Art Unit: 1614

In Claim 112, line 8, delete [about a 0.1mg/kg dose to about 4.0 mg/kg dose] and replace with --0.5 mg/kg dose to 4mg/kg dose--.

In Claim 117, line 8, delete [about] after "least".

Conclusion

2. Claims 91-115 and 117-119 are allowed.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Kwon whose telephone number is (571) 272-0581. The examiner can normally be reached Tuesday through Friday from 9:00 am to 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marianne Seidel, can be reached on (571) 273-0584. The fax number for this Group is (703) 872-9306.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Brian Kwon
Patent Examiner
AU 1614

VICKIE KIM
PRIMARY EXAMINER


ZOHREH FAY
PRIMARY EXAMINER
GROUP 1600